

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JAMES HOWARD STREETS,**

**Petitioner,**

**v.**

**CASE NO. 2:12-CV-00203  
CRIM. NO. 07-CR-00082  
JUDGE MICHAEL H. WATSON  
MAGISTRATE JUDGE ABEL**

**UNITED STATES OF AMERICA,**

**Respondent.**

**OPINION AND ORDER**

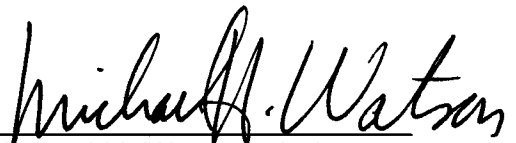
On March 20, 2014, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant motion to vacate, set aside or correct sentence be denied and that this action be dismissed. Petitioner has filed a *Motion for Reconsideration* of the Magistrate Judge's *Report and Recommendation*. Doc. No. 133.

Petitioner objects to the Magistrate Judge's recommendation of dismissal of his claim of ineffective assistance of counsel on the merits. Petitioner again argues that he is innocent of the charges, a victim of a manifest miscarriage of justice; that his attorney was not versed in the law and negligent, performing in a constitutionally ineffective manner. Petitioner has attached documents in support of this claim. He again also argues that he was denied his right to his attorney of choice.

Petitioner's argument that he is innocent because the 76 bills of lading listed history company, Howard Logistics, as the carrier and the checks were made payable to the carrier was rejected by the jury and the United States Court of Appeals for the Sixth Circuit. The fraudulent scheme was to receive payment for the shipments twice, using Howard Logistics. The fact that Howard Logistics received payment does not establish

petitioner's innocence but was part of the government's proof of the fraud. *United States v. Streets*, 401 Fed.Appx. 81, 82-86 (6th Cir. Nov. 12, 2010).

Pursuant to 28 U.S.C. § 6536(b), this Court has conducted a *de novo* review. For the reasons that follow, Petitioner's motion, Doc. No. 133, which this Court construes as an *Objection* to the Magistrate Judge's *Report and Recommendation* is **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

  
Michael H. Watson, Judge  
United States District Court